

REMARKS/ARGUMENTS

I. General Remarks

Please consider the application in view of the following remarks. Applicants thank the Examiner for her careful consideration of this application and the references cited by Applicants in this application.

As set forth above, Applicants have requested continued examination in this application, in accordance with 37 C.F.R. § 1.114. Moreover, Applicants respectfully request that the amendments presented herein be entered and further request consideration of the claims in light of the amendments and remarks made herein.

II. Disposition of the Claims

At the time of the Final Office Action, claims 7-19 were pending. Claims 1-6 and 20-41 were canceled in a previous response. Claims 7-19 stood rejected. Claims 17-19 have been canceled herein. Claims 42-61 are new. Applicants respectfully request that the above amendments be entered and further request reconsideration in light of the amendments and remarks contained herein.

III. Remarks Regarding Objection to the Specification

At the time of the Final Office Action, the specification was objected to. However, in the Advisory Action mailed September 23, 2008, the Examiner indicated that this objection has been withdrawn. Applicants thank the Examiner for the withdrawal of this objection.

IV. Remarks Regarding Rejections Under 35 U.S.C. § 103(a)

At the time of the Final Office Action, claims 7-10, 12-16, 18, and 19 stood rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,209,643 issued to Nguyen *et al.* (hereinafter "*Nguyen*") in view of U.S. Patent No. 6,458,867 issued to Wang *et al.* (hereinafter "*Wang*"). In addition, claims 11 and 17 stood rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nguyen* in view of *Wang* in further view of U.S. Patent No. 6,817,414 issued to Lee *et al.* (hereinafter "*Lee*"). As Applicants have canceled claims 7-19 in this response, Applicants respectfully submit that these rejections are moot.

V. Remarks Regarding New Claims

As set forth above, Applicants have added new claims 42-61. Applicants respectfully submit that these claims are allowable over the cited art. In particular, *Nguyen*, *Wang*, and *Lee* each fail to teach all of the elements of these claims.

A. *Nguyen* Fails to Anticipate Independent Claims 42, 49, and 55

Nguyen fails to disclose all of the elements of independent claims 42, 49, and 55. In particular, with respect to independent claims 42 and 49, *Nguyen* fails to disclose that the “acid-releasing degradable material comprises at least one acid-releasing degradable material selected from the group consisting of: poly(orthoester); a lactide, a poly(lactide); a glycolide; a poly(glycolide); a poly(ϵ -caprolactone); a poly(hydroxybutyrate); a substantially water insoluble anhydride; a poly(anhydride); a poly(amino acid); a mixture of one of the above-listed compounds; a copolymer of two or more of the above-listed compounds; and any combination thereof.” With respect to independent claim 55, *Nguyen* fails to disclose “combining an acid-releasing degradable material with a plasticizer to create a coating solution.” Therefore, *Nguyen* fails to anticipate independent claims 42, 49, and 55. Claims 43-48, 50-54, and 56-61 depend directly or indirectly from dependent claims 42, 49, and 55. Therefore these claims contain the same limitations that *Nguyen* fails to disclose. Therefore, Applicants respectfully submit that claims 42-61 are allowable over *Nguyen*.

B. *Wang* Fails to Anticipate Independent Claims 42, 49, and 55

Wang fails to disclose all of the elements of independent claims 42, 49, and 55. In particular, with respect to independent claims 42 and 49, *Wang* fails to disclose that the “acid-releasing degradable material comprises at least one acid-releasing degradable material selected from the group consisting of: poly(orthoester); a lactide, a poly(lactide); a glycolide; a poly(glycolide); a poly(ϵ -caprolactone); a poly(hydroxybutyrate); a substantially water insoluble anhydride; a poly(anhydride); a poly(amino acid); a mixture of one of the above-listed compounds; a copolymer of two or more of the above-listed compounds; and any combination thereof.” With respect to independent claim 55, *Wang* fails to disclose “combining an acid-releasing degradable material with a plasticizer to create a coating solution.” Therefore, *Wang* fails to anticipate independent claims 42, 49, and 55. Claims 43-48, 50-54, and 56-61 depend directly or indirectly from dependent claims 42, 49, and 55. Therefore these claims contain the

same limitations that *Wang* fails to disclose. Therefore, Applicants respectfully submit that claims 42-61 are allowable over *Wang*.

C. *Lee* Fails to Anticipate Independent Claims 42, 49, and 55

Lee fails to disclose all of the elements of independent claims 42, 49, and 55. In particular, with respect to independent claims 42 and 49, *Lee* fails to disclose that the “acid-releasing degradable material comprises at least one acid-releasing degradable material selected from the group consisting of: poly(orthoester); a lactide, a poly(lactide); a glycolide; a poly(glycolide); a poly(ϵ -caprolactone); a poly(hydroxybutyrate); a substantially water insoluble anhydride; a poly(anhydride); a poly(amino acid); a mixture of one of the above-listed compounds; a copolymer of two or more of the above-listed compounds; and any combination thereof.” With respect to independent claim 55, *Lee* fails to disclose “combining an acid-releasing degradable material with a plasticizer to create a coating solution.” Therefore, *Lee* fails to anticipate independent claims 42, 49, and 55. Claims 43-48, 50-55, and 56-61 depend directly or indirectly from dependent claims 42, 49, and 55. Therefore these claims contain the same limitations that *Lee* fails to disclose. Therefore, Applicants respectfully submit that claims 42-61 are allowable over *Lee*.

VI. No Waiver

All of Applicants’ arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner’s additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art.

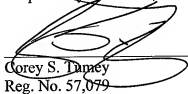
SUMMARY

In light of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the

prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants have also authorized the Commissioner via the Office's electronic filing system to debit Baker Botts L.L.P.'s Deposit Account No. 02-0383, Order Number 063718.1357, in the amount of \$810.00 for the RCE fee under 37 C.F.R. § 1.17(e). Should the Commissioner deem that any additional fees are due, the Commissioner is authorized to debit Baker Botts L.L.P.'s Deposit Account No. 02-0383, Order Number 063718.1357, for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Corey S. Tumey', is written over a horizontal line.

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